



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,948	01/08/2007	Satoshi Nagai	290082US0PCT	5940

22850 7590 06/05/2009
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

POLANSKY, GREGG

ART UNIT	PAPER NUMBER
----------	--------------

1614

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

06/05/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

1. The reply filed on 3/26/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): In addition to the requirement to elect either Group I or Group II (Applicants elected Group I), Applicants were required to elect a specie of “a single, fully disclosed structure of an allergen reducing agent according to Formulae (1), (2), or (3)”. Applicants elected ACULYN22 and provided a technical description of ACULYN22 from the manufacturer; no structure of ACULYN22 is disclosed in the Specification. Further, Applicants provided what appears to be the molecular formula for the side chain structural unit attached to ACULYN22 polymer. However, the Specification as originally filed does not disclose ACULYN22 substituted with any side chains. Applicants’ attention is directed to Table 1, at page 59 of the Specification. The synthesis and structures of Compounds A1 to M are later disclosed in the Specification (including the substitution of side chain groups for hydrogen of the hydroxy or carboxy groups of the polymer); ACULYN22 is not disclosed as having any substitutions (including substitutions with groups according to Formulae (1), (2), or (3)) at hydroxy or carboxy groups. Therefore, specie elected by Applicants is considered to be New Matter.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 1614

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGG POLANSKY whose telephone number is (571)272-9070. The examiner can normally be reached on Mon-Thur 9:30 A.M. - 7:00 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin H. Marschel can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregg Polansky/
Examiner, Art Unit 1614

/Ardin Marschel/
Supervisory Patent Examiner, Art Unit 1614

\